

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324
PENSION FUNDS, et al.,

Plaintiffs,

Case No. 04-CV-73237-DT

v.

STEELCON, INC. and TIMOTHY D. RUSSELL,

Defendants.

**OPINION AND ORDER DISMISSING DEFENDANT
TIMOTHY D. RUSSELL FROM THE CASE**

On April 22, 2005, the court held a telephone conference in the above-captioned matter. During that conference, the court informed counsel that an Order granting Plaintiffs' unopposed motion for summary judgment against Defendant Steelcon Incorporated had been filed. During the conference, the court asked Plaintiffs' counsel how he intended to proceed in relation to Defendant Timothy D. Russell, the only remaining defendant in the case. Plaintiffs' counsel acknowledged that he did not file a motion for summary judgment against Defendant Russell and represented to the court that Plaintiffs desired to dismiss him from the case.

Defendants' counsel represented to the court that he did not object to Plaintiffs' dismissal of the individual defendant. Accordingly,

IT IS ORDERED that Defendant Timothy D. Russell is DISMISSED from the case.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 25, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 25, 2005, by electronic and/or ordinary mail.

s/Lisa G. Teets
Case Manager and Deputy Clerk
(313) 234-5522